



Section 2

Sec 254. (a) IN GENERAL - The State plan shall contain a description of each of the following:

(2) How the State will distribute and monitor the distribution of the requirements payment to units of local government or other entities in the State for carrying out the activities described in paragraph (1), including a description of -

- (A) the criteria to be used to determine the eligibility of such units or entities for receiving the payment; and**
- (B) the methods to be used by the State to monitor the performance of the units or entities to whom the payment is distributed, consistent with the performance goals and measures adopted under paragraph (8).**

Recommended Language

To maintain uniformity of voting equipment purchases and the other expenditures, the state will develop a statewide Request For Proposal (RFP) for satisfying the requirements of the Help America Vote Act of 2002 (HAVA). The commitments under Title III will be based on federal and state funds deposited in the state election fund. The state will administer the resulting contracts and the disbursements consistent with state budget plan described in subsection 6 of Section 254 (a).

Funds will be distributed based on availability and set to the priorities established in this state plan. County voter registration statistics at the time of the 2002 General Election will be taken into consideration for any proportionate distribution of funds to counties for which they qualify under the various elements of distribution. Counties will submit their county budgets that contain the 2002 election cycle maintenance of effort to establish baseline amounts for efforts already in practice. All expenditures beyond the maintenance of effort will be coordinated with statewide efforts to be eligible for reimbursement of such efforts.

The explicit distribution method and eligibility for each element of distribution is described in section 6. In general, the distribution of funds to counties will be in accordance with Memorandums of Understanding (MOU). The MOU will be the contract between the state and the county to enable payment from the state election fund, and therefore all service levels or compliances required by the MOU will dictate disbursement. Upon receipt and validation of documentation of compliance with the MOU, the state will issue disbursements from the state election fund. Any commitment of funds from the state election fund shall not exceed the proportions identified in this plan beyond one half of one percent of the state election fund. The state may revise the state plan, using the procedures identified in section 11, to adjust the proportions at any time.



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Help America Vote Act of 2002 (HAVA) Preliminary State Plan

The state will require, as part of the MOU, that counties use established accounting practices for all aspects of project management to monitor the implementation of the elements in section 6. Project management and time schedules for these efforts will be conducted by the secretary of state in coordination with the county recorders and county election officials. Compliance with the terms of any applicable MOU and with the project management and time schedules established for each element in Section 6 will establish eligibility to receive payments from the state election fund. Any portions not in compliance, or not completed on the time schedule will delay payments until such time the county has complied with the necessary requirements. Failure to comply with the MOU for more than six months may release the state election fund from commitment to provide such funds associated with that element. Failure to comply with any portion of Title III will result in the county being liable for all previously disbursed funds to that county from the state election fund. If a county has failed to comply on an effort that prohibits other counties, or the state, to proceed with the time schedule of that same effort, the secretary of state may postpone all other payments to that county until such time of compliance.

The performance measures detailed in section 8 of this state plan will be used to evaluate participation and effectiveness of disbursements. Monitoring performance measures will be completed biennially during the compilation of the reports required by the state election procedures manual. The reports will be filed with the secretary of state and will include specific data to disclose the successes and failures of each county's performance as it relates to the implementation of HAVA.

The ongoing maintenance of the centralized voter registration database requires a well-coordinated interaction of the county officials who register voters, state officials who manage the central voter registration database, county officials who manage elections and state officials who oversee elections. This creates an incentive for the state election fund to be an ongoing fund to handle cross-jurisdictional expenses in managing voter registration and elections.